THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No. 22756 of 2007

DATED: 13-11-2007

Between:

Dr. Manduva Basaveswara Rao

…Petitioner

and

The Govt. of A.P. rep. by its
Principal Secretary,
Municipal and Urban Development Dept.,
Hyderabad and others

…Respondents

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

W.P.No. 22756 of 2007

Oral order:

The writ petition is filed on an apprehension that the 2nd respondent-Municipality would forcibly dispossess the petitioner and demolish the structures in his premises at Door No. 9-17-16 in Sy.No.365/12, bearing Assessment No. 1032010008, situated at Wood Nagar, Chirala Municipality for the purpose of road widening without following the due process of law.

On obtaining instructions, Sri S.Nageshwar Reddy, the learned standing counsel for the 2nd respondent states that on 23-7-2007 a notice was issued to the petitioner seeking surrender of land free of cost to facilitate road widening and offering certain incentives like extra FSI. In response to the notice, the petitioner lodged his objections on 18-9-2007 declining to surrender land free of cost and informing the 2nd respondent to acquire the land if it is required for a public purpose. The learned standing counsel also states that the respondents cannot and will not acquire the land or dispossess the petitioner except by following the procedure for acquisition under the provisions of the Land Acquisition Act, 1894.

In the light of the averments made by Sri S.Nageshwar Reddy on behalf of the respondents 1 and 2 and on instructions

from the said respondents, the apprehension of the petitioner, which engendered the writ petition, is seen to have no basis.

The writ petition is dismissed recording the submissions made on behalf of the respondents. There shall be no order as to costs.

GODA RAGHURAM, J

13-11-2007
GRR